

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DEWAYNE A. WRIGHT,
Plaintiff,

v.

OFFICER J. NARANJO,
Defendant.

No. 2:24-cv-2983 CSK P

ORDER

Plaintiff is a county jail inmate proceeding pro se. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983 and requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1).

Plaintiff submitted a declaration that makes the showing required by 28 U.S.C. § 1915(a). Accordingly, the request to proceed in forma pauperis is granted.

Plaintiff is required to pay the statutory filing fee of \$350.00 for this action. 28 U.S.C. §§ 1914(a), 1915(b)(1). By this order, plaintiff is assessed an initial partial filing fee in accordance with the provisions of 28 U.S.C. § 1915(b)(1). By separate order, the court will direct the appropriate agency to collect the initial partial filing fee from plaintiff's trust account and forward it to the Clerk of the Court. Thereafter, plaintiff is obligated to make monthly payments of twenty percent of the preceding month's income credited to plaintiff's trust account. These payments will be forwarded by the appropriate agency to the Clerk of the Court each time the

1 amount in plaintiff's account exceeds \$10.00, until the filing fee is paid in full. 28 U.S.C.
2 § 1915(b)(2).

3 As discussed below, plaintiff's complaint is dismissed with leave to amend.

4 I. SCREENING STANDARDS

5 The court is required to screen complaints brought by prisoners seeking relief against a
6 governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). The
7 court must dismiss a complaint or portion thereof if the prisoner raised claims that are legally
8 "frivolous or malicious," that fail to state a claim upon which relief may be granted, or that seek
9 monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1), (2).

10 A claim is legally frivolous when it lacks an arguable basis either in law or in fact.
11 Neitzke v. Williams, 490 U.S. 319, 325 (1989); Franklin v. Murphy, 745 F.2d 1221, 1227-28 (9th
12 Cir. 1984). The court may, therefore, dismiss a claim as frivolous when it is based on an
13 indisputably meritless legal theory or where the factual contentions are clearly baseless. Neitzke,
14 490 U.S. at 327. The critical inquiry is whether a constitutional claim, however inartfully
15 pleaded, has an arguable legal and factual basis. See Jackson v. Arizona, 885 F.2d 639, 640 (9th
16 Cir. 1989), superseded by statute as stated in Lopez v. Smith, 203 F.3d 1122, 1130-31 (9th Cir.
17 2000) ("[A] judge may dismiss [in forma pauperis] claims which are based on indisputably
18 meritless legal theories or whose factual contentions are clearly baseless."); Franklin, 745 F.2d at
19 1227.

20 Rule 8(a)(2) of the Federal Rules of Civil Procedure "requires only 'a short and plain
21 statement of the claim showing that the pleader is entitled to relief,' in order to 'give the
22 defendant fair notice of what the . . . claim is and the grounds upon which it rests.'" Bell Atlantic
23 Corp. v. Twombly, 550 U.S. 544, 555 (2007) (quoting Conley v. Gibson, 355 U.S. 41, 47 (1957)).
24 In order to survive dismissal for failure to state a claim, a complaint must contain more than "a
25 formulaic recitation of the elements of a cause of action;" it must contain factual allegations
26 sufficient "to raise a right to relief above the speculative level." Bell Atlantic, 550 U.S. at 555.
27 However, "[s]pecific facts are not necessary; the statement [of facts] need only 'give the
28 defendant fair notice of what the . . . claim is and the grounds upon which it rests.'" Erickson v.

1 Pardus, 551 U.S. 89, 93 (2007) (quoting Bell Atlantic, 550 U.S. at 555, citations and internal
 2 quotations marks omitted). In reviewing a complaint under this standard, the court must accept as
 3 true the allegations of the complaint in question, Erickson, 551 U.S. at 93, and construe the
 4 pleading in the light most favorable to the plaintiff. Scheuer v. Rhodes, 416 U.S. 232, 236
 5 (1974), overruled on other grounds, Davis v. Scherer, 468 U.S. 183 (1984).

6 II. PLAINTIFF’S COMPLAINT

7 Plaintiff Dewayne A. Wright alleges that on October 10, 2023, defendant J. Naranjo, an
 8 officer at the Stanton Correctional Facility in Fairfield, opened plaintiff’s legal mail and either
 9 “intentionally or mistakenly delivered [plaintiff’s] legal[] mail to inmate Dequan Wright.” (ECF
 10 No. 1 at 3.) Plaintiff alleges defendant was required to have inmates state their names before
 11 delivering legal mail, yet plaintiff’s legal mail was still delivered to another inmate. Plaintiff
 12 appended copies of his grievance and the response. (ECF No. 1 at 7-9.) In his grievance,
 13 plaintiff confirmed he received the opened legal mail. (Id. at 7.) As injury, plaintiff alleges his
 14 constitutional rights were violated. (Id. at 3.) Plaintiff seeks money damages. (Id. at 6.)

15 III. DISCUSSION

16 Plaintiff’s claim against defendant J. Naranjo rests on a single incident. Plaintiff grieved
 17 the issue and then filed this suit, asserting a constitutional violation based on the legal mail being
 18 opened outside plaintiff’s presence.

19 First, plaintiff’s claim fails because he has not alleged sufficient facts identifying the mail
 20 as “legal mail.” Plaintiff did not identify who sent the mail or whether it was properly marked as
 21 “legal mail.” (ECF No. 1, passim.) Thus, plaintiff fails to meet his burden of plausibly alleging
 22 that the item opened outside his presence was protected legal mail. See Bell Atl. Corp. v.
 23 Twombly, 550 U.S. 544, 570 (2007). For example, “[m]ail from the courts, as contrasted to mail
 24 from a prisoner’s lawyer, is not legal mail.” Keenan v. Hall, 83 F.3d 1083, 1094 (9th Cir. 1996).
 25 Thus, the First Amendment does not prohibit opening mail from the courts outside the prisoner’s
 26 presence.

27 Second, to the extent the mail was protected “legal mail,” opening such legal mail outside
 28 plaintiff’s presence does implicate the First Amendment. Hayes v. Idaho Corr. Ctr., 849 F.3d

1 1204, 1211 (9th Cir. 2017)). But plaintiff's complaint demonstrates he is unaware whether
 2 defendant's actions were mistaken or intentional, and identifies no improper motive on the part of
 3 defendant. Moreover, the grievance appended to plaintiff's complaint states that the "mail was
 4 mislabeled, which caused it to have been delivered to the incorrect inmate, who has a similar
 5 name" as plaintiff. (ECF No. 1 at 9.) The allegations in plaintiff's complaint demonstrate a
 6 similarity in the two prisoners' first names: Dewayne and Dequan, and they share the same last
 7 name: Wright.

8 Absent allegations of an improper motive in the legal mail delivery, plaintiff's claim fails
 9 because it is based on one isolated incident due to the negligence of defendant, which cannot form
 10 the basis of section 1983 claim. "[M]ere negligence or the lack of due care cannot sustain a claim
 11 under § 1983." Evans v. Oregon, 2020 WL 5507827, at *3 (D. Or. Mar. 25, 2020), report and
 12 recommendation adopted, 2020 WL 2200850 (D. Or. May 6, 2020) (internal quotation marks
 13 omitted). Additionally, "an isolated incident of delay or other mail interference without evidence
 14 of improper motive does not violate a prisoner's First Amendment rights." Canales v. Macomber,
 15 2023 WL 8790273, at *3 (S.D. Cal. Dec. 19, 2023) (collecting cases). Plaintiff includes no facts
 16 demonstrating there was an improper motive on the part of defendant J. Naranjo that could
 17 sustain a First Amendment claim based on one isolated issue with plaintiff's mail delivery.

18 Therefore, plaintiff's complaint must be dismissed. Fed. R. Civ. P. 8(a)(2). However,
 19 plaintiff is granted leave to file an amended complaint.

20 IV. LEAVE TO AMEND

21 If plaintiff chooses to amend the complaint, plaintiff must demonstrate how the conditions
 22 about which he complains resulted in a deprivation of plaintiff's constitutional rights. See e.g.,
 23 West, 487 U.S. at 48. Also, the complaint must allege in specific terms how each named
 24 defendant is involved. Rizzo v. Goode, 423 U.S. 362, 371 (1976). There can be no liability
 25 under 42 U.S.C. § 1983 unless there is some affirmative link or connection between a defendant's
 26 actions and the claimed deprivation. Rizzo, 423 U.S. at 371; May v. Enomoto, 633 F.2d 164, 167
 27 (9th Cir. 1980). Furthermore, vague and conclusory allegations of official participation in civil
 28 rights violations are not sufficient. Ivey v. Bd. of Regents, 673 F.2d 266, 268 (9th Cir. 1982).

1 In addition, plaintiff is informed that the court cannot refer to a prior pleading in order to
2 make plaintiff's amended complaint complete. Local Rule 220 requires that an amended
3 complaint be complete in itself without reference to any prior pleading. This requirement exists
4 because, as a general rule, an amended complaint supersedes the original complaint. See Ramirez
5 v. Cnty. of San Bernardino, 806 F.3d 1002, 1008 (9th Cir. 2015) ("an 'amended complaint
6 supersedes the original, the latter being treated thereafter as non-existent.'" (internal citation
7 omitted)). Once plaintiff files an amended complaint, the original pleading no longer serves any
8 function in the case. Therefore, in an amended complaint, as in an original complaint, each claim
9 and the involvement of each defendant must be sufficiently alleged.

10 Plaintiff is not required to provide exhibits with his amended complaint. However,
11 because he provided exhibits with his original complaint, plaintiff may ask the Court to append
12 the exhibits from his original complaint (ECF No. 1 at 7-9) to his amended complaint, rather than
13 submit duplicative exhibits.

14 In accordance with the above, IT IS HEREBY ORDERED that:

15 1. Plaintiff's request for leave to proceed in forma pauperis (ECF No. 9) is granted.

16 2. Plaintiff is obligated to pay the statutory filing fee of \$350.00 for this action. Plaintiff
17 is assessed an initial partial filing fee in accordance with the provisions of 28 U.S.C.
18 § 1915(b)(1). All fees shall be collected and paid in accordance with this court's order to the
19 Director of the California Department of Corrections and Rehabilitation filed concurrently
20 herewith.

21 3. Plaintiff's complaint is dismissed.

22 4. Within thirty days from the date of this order, plaintiff shall complete the attached
23 Notice of Amendment and submit the following documents to the court:


24 a. The completed Notice of Amendment; and

25 b. An original of the Amended Complaint.

26 Plaintiff's amended complaint shall comply with the requirements of the Civil Rights Act, the
27 Federal Rules of Civil Procedure, and the Local Rules of Practice. The amended complaint must
28 also bear the docket number assigned to this case and must be labeled "Amended Complaint."

1 Failure to file an amended complaint in accordance with this order may result in the dismissal of
2 this action.

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4 Dated: April 8, 2025

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6 CHI SOO KIM
7 UNITED STATES MAGISTRATE JUDGE

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UNITED STATES DISTRICT COURT
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DEWAYNE A. WRIGHT,
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No. 2:24-cv-2983 CSK P

NOTICE OF AMENDMENT

Plaintiff submits the following document in compliance with the court's order
filed on _____ (date).

☐

Amended Complaint

(Check this box if submitting an Amended Complaint)

DATED:

Plaintiff